

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	DEMAND \$ 1,900 OTHER	JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR									YR.	NUMBER
1085/4	75	0222	06	11	75	4	110	1	12			8510	P	75	0222-C

PLAINTIFFS

DEFENDANTS

AGRICO CHEMICAL COMPANY,  
a Delaware corporation,

PROTECTION MUTUAL INSURANCE  
COMPANY, an Illinois insurance  
corporation,

CAUSE

Suit on insurance policy; jurisdiction based on diversity between  
plaintiff (Oklahoma) and defendant (Illinois)

ATTORNEYS

Fred S. Nelson & Harry L. Seay III  
805 NBT Building  
Tulsa, Oklahoma 74103  
585-9161

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Sonberg & Waddel  
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J. A. Love, John C. Hart  
Larry Zelle & Robert M. Wattson  
Robbins, Davis & Lyons  
33 South Fifth  
Minneapolis, Minnesota 55402  
60 2 77

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	7-1-75
				JS-6	5-1-76

DATE	NR.	PROCEEDINGS
6-11-75	1.	Complaint, filed. Summons issued. rm (w/ <u>Request for jury trial</u> )
6-25-75		Summons returned and filed on Oklahoma Insurance Commission, State Capitol, Oklahoma City, Oklahoma. Fees of \$4.72. mm and Order to July 25, 1975
7-10-75	2.	Application/by Deft. for Extension of Time/to Plead or Answer, filed. (JCS-C)mm
7-18-75	3.	Motion of def. to transfer, w/affidavit of Lawrence Zelle in support thereof, filed. rm
7-18-75	4.	Memo of def. in support of mo/transfer, filed. rm (3-1-76)
7-18-75	MO:	Ordered by the Ct. that pltfs. are granted 10 days in which to respond to mo/transfer of def. (HDC-J)rm - ltr.
7-25-75	5.	Answer, filed. g
7-28-75	6.	Memorandum opposing mo/transfer, filed. hm
7-28-75	7.	Affidavit opposing mo/transfer, filed. hm
8-1-75	8.	Response of Plaintiff to Answer, filed. mm
8-8-75	9.	Deft's Response to Pltf's Memorandum Opposing Motion to Transfer, filed. lm
8-21-75	10.	Order, filed, overruling motion to transfer case to USDC, Middle Dist. of Florida. (HDC-J)g <i>9/10/75</i>
9-25-75	11.	Pltf's First Interrogatories, filed.mm
10-15-75	MO:	Case set for PT hearing 1-6-76 at 3:15 p.m. (HDC-J)hm
11-10	12.	Deft's answers to pltf's interrogatories, filed.k
11-28	13.	Deft.'s first set of interrog. to pltf, filed.k
12-24	14.	Pltf's Appl. for Ext. of Time to ans. Int. until 1-5-76, filed.jj 0 to J
12-24	15.	Brief in Support of Appl for Ext. of Time, filed.jj
12-29	16.	Order, filed, granting Pltf. until 1/8/76 to ans. Deft.'s 1st Set of Interrogs. (HDC-J)v
1-6-76	MO:	Pre-trial hearing held. Statements made. Pltf. requests permission to amend complaint and Court grants request. Pltf. to prepare PT order by 3-1-76 and case set for jury trial 3-31-76 at 10:00 a.m. (EST-5 days). Additional PT hearing to be held, if requested. (HDC-J)hm
1-6-76	17.	Pltf's Amendment to Complaint, filed.tc
1-15-76	18.	Pltf's answers to deft's first set of interrogs., filed. ph
1-29	19.	Notice of taking deposition of Paul R. Daniels in Fla., fld. v
2-4		Deposition of Stanley E. Dale taken on Dec. 30, 1975, filed. Deposition of Philip Valence, Bernard C. Hanley, Harry Mathews, all taken on Dec. 29th & 30th, filed. t
2-20	20.	Pltf's applic. for leave to amend complaint, filed. hm
2-20	21.	Brief in support of applic. for leave to amend complaint, filed. hm
2-23	MO:	Ordered that deft. file a resp. brief within 10 days to the applic. for leave to amend complaint. (HDC-J)hm
3-1	22.	Pltf's appl. for ext. of time to prepare PT order, filed. ph <i>3-1-76</i>
3-5	MO:	Case set for further PT hearing 3-18-76 at 11:00 a.m. (HDC-J)hm

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-222-C</u>
Agrico Chemical Co.		Protection Mutual Ins. Co.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
3-5-76	23.	Order allowing second amendment to complaint, filed. (HDC-J)hm (copies mailed)	
3-5	24.	Order allowing ext. of time to prepare PT order, filed, granting parties until 3-18-76 to file PT order. (HDC-J)hm (copies mailed)	
3-8	25.	Pltf's second amendment to complaint, filed.k	
3-11	26.	Deft's motion to transfer, filed. ph	
3-11	27.	Deft's memorandum in support of a motion to transfer, filed. ph	
3-11	MO:	It is ordered by the Court that the Plaintiff file a responsive brief within 5 days to the Defendant's Mo. to Transfer. (HDC-J)ph cps mld.	
3-11	28.	Order, filed, setting hearing for Motion to Transfer on 3-18-76 at 11:00 a.m. (HDC-J)ph cps mld.	
3-11	MO:	Case reset for jury trial on 3-29-76 at 9:30 a.m. (HDC-J)hm (notices mailed)	
3-15	29.	Appl. for lve. to amend Deft.'s Ans., fld. v (o)	
3-16	30.	Memo. opposing motion to transfer by pltf., filed. rm	
3-18	MO:	Case called for further pretrialhearing and hearing on deft's mo/transfer and deft's applic. to amend ans. Parties represented. Applic. to amend answer granted and order allowing amendment to deft's ans. filed in open court. Statements made on mo/transfer. Mo/transfer overruled and pltf. counsel to prepare order. Parties to prepare suggested PT orders by 3-19-76, and further PT hearing set for 3:00 p.m. 3-19-76. Deft. to file brief on test. of expert witness. Parties to endeavor to have all exhibits marked by 3-24 and to have trial briefs and requested instructions filed by that date. Case to be second jury case on Mar. 29 jury docket; jury to be selected Mar. 29, but case not to be tried before Tues., Mar. 30. Larry Zelle admitted for purposes of this case only. (HDC-J)hm	
3-18	31.	Order allowing amendment to deft's answer, filed. (HDC-J)hm (copies distributed)	
3-18	32.	Amended answer, filed. hm	
3-19	MO:	Case called for further pre-trial. Parties represented. Statements made. Pre-trial order filed in open court. Deft. makes oral motion in limine re doors to be offered as evidence & Court grants motion. Doors not to be shown to jury prior to offer. (HDC-J)hm	
3-19	33.	Pre-trial order, filed. (HDC-J)hm	
3-22		Deposition of John A. Damico, taken by pltf., filed. g	
3-24		Depo of William Lafayette Heath, Jr, by CSR Richard H. Lee, Jr. cost \$634.12, filed.t	
3-24		Depo of Edgar Germain, by CSR Richard H. Lee, Jr. Cost \$634.12, filed.t	
3-24		Depo of William Joseph Randle by CSR Richard H. Lee, Jr. Cost \$152.56 filed.t	
3-24		Depo of Albert N. Darlington by CSR Richard H. Lee, Jr. Cost \$132.16 filed.t	
3-24		Depo of Thomas Paul Daniels by CSR Richard H. Lee, Jr. Cost \$142.36 filed.t	

PLAINTIFF	DEFENDANT	DOCKET NO. <u>75-C-222</u>
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DATE	NR.	PROCEEDINGS
1976		
3-24		Depo of Thomas Paul Daniels by CSR Richard H. Lee, Jr., Costs \$109.36, filed.t
3-24		Depo of Richard Phillips by CSR Richard H. Lee, Jr., Costs 95.86, filed.t
3-24		Depo of Jack Weathers by CSR Richard H. Lee, Jr., Costs \$64.66, filed.t
3-24		Depo of Allan Jaeggi by CSR Richard H. Lee, Jr., Costs \$172.96, filed.t
3-24		Depo of Dale Edward Wells, by CSR Richard H. Lee, Jr. Costs \$109.96 filed.t
3-24		Depo of Richard Nelson Faulkner by CSR Richard H. Lee, Jr. Costs \$72.16, filed.t
3-24		Depo of Paul F. Pie by CSR Richard H. Lee, Costs \$205.06, filed.t
3-24	34.	Plaintiff's exhibits list, filed. hm
3-24	35.	Pltf's requested instructions, filed. hm
3-24	36.	Pltf's trial brief, filed. hm
3-25		Depositions of Charles Russell Whitt, Jack Groves & R. E. Warden taken on 2-23 & 2-24-76, Atlanta, Georgia, filed. ph
3-25		Deposition of Jay E. Trexler/on 3-12-76 at Chicago, Illinois before Patricia Cebomski, Notary Public, filed. lm
3-25	37.	Order overruling motion to transfer, filed. (HDC-J)hm (copies mailed)
3-25	38.	Deft's requested special interrogatories, filed. hm
3-25	39.	Deft's requested supplemental questions on voir dire, filed. hm
3-25	40.	Deft's requested instructions, filed. hm
3-25	41.	Deft's exhibits list, filed. hm
3-25	42.	Deft's trial brief, filed. hm
3-25	43.	Affidavit of personal service, filed. hm
3-26		Deposition of John M. Gaskell, filed. g
3-29		Deposition of David Patterson taken on behalf of deft. before Donald Lindquist, C.S.R., on 3-24-76 w/ costs of \$57.00, filed.k
3-29	44.	Depositions of William Staff and Gene Taylor, filed. ph
3-29	45.	Applic. for leave to file resp. to deft's amended ans. and suppl. trial brief, filed in open court. hm
3-29	MO:	Case called for jury trial. Parties announce ready. Jury empaneled, sworn and admonished. Pltf's applic. to file resp. to deft's amended ans. & suppl. trial brief granted & said pleadings filed in open court. Trial continued until Weds., 3-31-76 at 9:30 a.m., unless parties notified of earlier time. Jury excused. (HDC-J)hm
3-29	46.	Pltf's supplemental trial brief, filed in open court. hm
3-29	47.	Pltf's reply to amended answer, filed in open court. hm
3-30	48.	Pltf's exhibits (amended)list, filed in open court. hm
3-30	MO:	Case tried to a jury Mar. 30, 31, Apr. 1, 2 & 5. Jury heretofore empaneled and sworn on Mar. 29. Parties announce ready. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses. Pltf's and deft's exhibits offered and admitted. On 3-31-76, out of hearing of jury, test. taken on admission of certain photographs. Court rules the door & keeper may be used by pltf. as evidence. Pltf. rests on 4-2-76. Deft's mo/directed verdict denied. Deft. presents case in chief w/test. of witnesses and rests. At bench

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		conference, pltf's mo/strike deft's amendment to answer sustained. At hearing in chambers, deft. makes offer of proof of parts of depos. of Allan Jaeggi. Deft's renewed mo/directed verdict overruled. Pltf's mo/directed verdict as to issue of liability overruled. Pltf. presents rebuttal evidence w/test. of witness and rests. Parties rest. Closing arguments made. Instructions given to the jury. Bailiff sworn. Jury retires to deliberate at 5:02 p.m. Alternate jurors excused. Pltf. allowed to withdraw physical exhibits after verdict reached and photographs substituted, providing pltf. preserve all said physical exhibits. Jury returns w/verdict at 7:05 p.m. finding for the pltf. in the amt. of \$1,670.015.50, is polled and excused. Verdict ordered read, received and filed in open court. Court adjourned at 7:07 p.m. (HDC-J)hm
4-5		Trial exhibits, filed. (all in file except Deft's #64 (in ex. rm.)
4-5	49.	Instructions to the jury, filed in open court. hm
4-5	50.	Verdict, filed in open court. hm
4-5	51.	Judgment on jury verdict, filed and entered, that pltf. recover from deft. on its property damages in amt. of \$449,412.50 and on its business interruption damages the amt. of \$1,220,603.00, and that pltf. be awarded its costs. (JCS-Clk)hm (copies mailed)
4-7	52.	Applic. of pltf. to assess pre-judgment interest, filed. hm
4-7	53.	Brief in support of applic. to assess pre-judgment interest, filed.hm
4-8	MO	"It is ordered by the Ct. that Deft. is granted 10 days to respond to Pltf's. Agrico Chemical Company's applic. to assess pre-judg. int.
4-9-76	54	Bill of Costs and Disbursements, filed.t (HDC-J)
4-14	MO:	Hearing on taxing of costs set 4-20-76 at 9:30 a.m. before Clerk. (JCS-Clk)hm (Noticesmailed by pltf. counsel)
4-20	MO:	Hearing on taxing of costs passed to 4-27-76 at 9:30 a.m. before Clerk.(JCS-CC)ph ltr. mld.
4-21	55.	Stipulation of dismissal, filed. ph
4-21	56.	Satisfaction of judgment, filed. ph
4-21	MO:	As all matters are settled, cost hearing set for 4-27-76 is hereby stricken. (JCS-CC)ph

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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